

REMARKS

The office action of May 20, 2004, has been carefully considered.

It is noted that the drawings are objected to on various grounds.

The disclosure is objected to for containing various informalities.

Claims 3 and 5-11 are objected to for containing various informalities.

Claims 3 and 5-11 are rejected under 35 U.S.C. 112, second paragraph.

Finally, it is noted that claims 3 and 5-11 would be allowable if amended to overcome the above-mentioned objections and rejections.

In connection with the Examiner's objections to the drawings applicant has enclosed herewith replacement sheets for Figs. 1,

1A, 2-4, 9, 12, 14 and 15. In view of the changes in the attached replacement sheets applicant respectfully submits that the objections to the drawings are overcome and should be withdrawn.

In connection with the Examiner's objections to the application, applicant has amended the specification to correct the informalities pointed out by the Examiner as well as various other points noted by the applicant.

In view of these considerations it is respectfully submitted that the objections to the application are overcome and should be withdrawn.

In view of the Examiner's rejections of the claims, applicant has canceled claims 8-10, amended claims 3, 5-7 and 11, and added new dependent claims 12-14. Applicant has amended the claims to address the informalities and instances of indefiniteness pointed out by the Examiner. The Examiner mentions claim 3, lines 12 and 13 and states that the claim is indefinite for not stating how many capillaries are defined by the phrase. Applicant submits that the number of capillaries is not relevant. All the phrase recites is that the flow resistance has a smaller volume than all other parallel and flowing capillaries. Thus, this applies if there is

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only one other capillary or if there is an infinite number of capillaries. The specific number is not relevant.

In view of these considerations it is respectfully submitted that the objection to claims 3 and 5-11 as containing informalities and the rejection of claims 3 and 5-11 under 35 U.S.C. 112, second paragraph are overcome and should be withdrawn.

In light of the Examiner's indication that claims 3 and 5-11 contain allowable subject matter it is respectfully submitted that the claims now on file are in allowable condition.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.



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Respectfully submitted,

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on October 20, 2004.

By: *F. Kueffner*  
Friedrich Kueffner

Date: October 20, 2004

**Amendments to the Drawings:**

The attached sheets of drawings include changes to Figs. 1, 1A, 2-4, 9, 12, 14 and 15. Figs. 1, 1A and 2-4 have been amended to include the legend --Prior Art--. Fig. 9 has been amended to change the reference numeral "3" to --30--, to add reference numeral 36 and to change the lead line for reference numeral 31. Figs. 12 and 14 have been changed to delete the reference numeral "42". Fig. 15 has been amended to delete the German text. It is respectfully submitted that no new matter is added by these changes.

Attachment: Replacement Sheets